

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #9	CCRB Case #: 202008019	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 9:00 PM	Location of Incident: Outside of the Barclay's Center	Precinct: 78	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 12/08/2020 3:59 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/08/2020 3:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. COD Terence Monahan	00000	876747	CD OFF
2. Officers			
3. LT Keith Hockaday	00000	940263	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CCA Jeffrey Maddrey	00000	899501	C A B
2. DI Megan Omalley	00000	930859	MTN PCT
3. POM Lior Chernyhovsky	07514	957453	SRG 3
4. POM Michael Pascale	30095	956153	SRG 3
5. POF Jessica Clinton	17324	960376	SRG 3
6. POM Max Bermudez	01429	944360	F.T.S.
7. SGT Ronny Vega	5472	951381	028 PCT
8. SGT Brian Verkay	02358	935930	SRG 1

Officer(s)	Allegation	Investigator Recommendation
A.LT Keith Hockaday	Discourtesy: Lieutenant Keith Hockaday spoke discourteously to § 87(2)(b)	
B.COD Terence Monahan	Force: Chief Terence Monahan authorized use of physical force against § 87(2)(b)	
C. Officers	Abuse: Officers threatened to arrest § 87(2)(b)	

Case Summary

On December 8, 2020, Robert Ballin filed this complaint on behalf of his client, § 87(2)(b) with the CCRB.

On May 29, 2020, at approximately 9:00 p.m., § 87(2)(b) was documenting the 2020 George Floyd Protests outside of the Barclay's Center in Brooklyn as a photojournalist for § 87(2)(b). As he was taking photos Sergeant Keith Hockaday of SRG2 approached him, he presented a press pass and Sgt. Hockaday allegedly said, "I don't give a fuck about your press pass" (**Allegation A: Discourtesy – Word**, § 87(2)(g)). At the instruction of Chief Terence Monahan, the officer then began to push § 87(2)(b) with his baton against his chest and continued to do so until § 87(2)(b) tripped over the sidewalk curb (**Allegation B: Force – Physical Force**, § 87(2)(g)).

§ 87(2)(b) was then helped up by two protestors and the officer walked away. § 87(2)(b) added that at various points in the evening whenever he got close to "whatever was happening," officers threatened to arrest him if he did not move away (**Allegation C: Abuse of Authority – Threat of arrest**, § 87(2)(g)).

No arrests were made nor summonses issued as a result of this incident.

TARU (**Board Review 01**) video was obtained but does not capture the incident in question. Three sets of BWC footage were received by the investigation (**Board Review 02**) (**Board Review 11**) (**Board Review 12**), and the incident timeframe is captured in the third of three requests (**Board Review 12**).

Since the incident date in question, Sgt. Hockaday was promoted to Lieutenant.

§ 87(2)(g)

Findings and Recommendations

Allegation (A) Discourtesy: An officer spoke discourteously to § 87(2)(b)

During his initial statement on February 18, 2021, § 87(2)(b) alleged that when an officer approached him with his baton parallel to the ground, holding it at both ends, § 87(2)(b) lifted his press pass and stated that he was press (**Board Review 03**). In response the officer said, "I don't give a fuck about your press pass."

On January 12, 2022, after this case was closed, § 87(2)(b) requested this case be reopened because he learned the name of the officer in question, Keith Hockaday (**Board Review 14**).

During his CCRB interview, Sgt. Hockaday stated that he did not have any specific recollection of interacting with § 87(2)(b) (**Board Review 13**). He did not recall telling anyone that he did not "fucking" care about a press pass on that evening.

On March 25, 2022, the investigation received video captured by Sgt. Hockaday's BWC on the incident date in question (**Board Review 12**). At four seconds, § 87(2)(b) is seen in the frame until the 35 second mark. During that time, a lanyard is hanging from his neck with an ID attached. § 87(2)(b) is holding the ID card in his hand facing the Sgt. Hockaday. No audio is captured during this time frame. Just over a minute later, at 1:54 § 87(2)(b) reappears in the frame and at 1:59 he trips over a curb and onto the sidewalk, confirming that the timeframe in question was when the allegation occurred.

No other BWC videos aided in determining whether Sgt. Hockaday made the alleged statement (**Board Review 02**) (**Board Review 11**).

While the investigation does have video of the moments where the allegation would have occurred, no audio was captured at that time. § 87(2)(b), § 87(2)(g)

Allegation (B) Force: Chief Terence Monahan authorized use of physical force against § 87(2)(b).

It is undisputed that on the evening of May 29, 2020, thousands of members of the public gathered for protest in front of and in the streets surrounding the Barclay's Center in Brooklyn and engaged in tumultuous behavior (**Board Review 10**). It is also undisputed that instructions were constantly being given to the crowd to disperse (**Board Review 10**). Finally, it is undisputed that Sgt. Hockaday, and likely other officers, used their batons to push § 87(2)(b) and other civilians off streets and away from a NYC Transit Authority Building (NYCTA) (**Board Review 12**).

On March 29, 2021, Chief Monahan retired from the NYPD (**Board Review 06**).

During his CCRB statement, § 87(2)(b) stated that he arrived at the Barclay's Center on the evening of May 29, 2020, to document the 2020 George Floyd protests in his capacity as a photojournalist on assignment for ABC news (**Board Review 03**). While there, he had his press credentials displayed on a lanyard that was around his neck, and multiple cameras and camera equipment on his person. Sometime between 9:00 p.m. and 10:30 p.m., he began to document "pushing back and forth" between protestors and officers near the intersection of Atlantic Avenue and Flatbush Avenue. When the pushing started, § 87(2)(b) was not able to get on the side of the NYPD line because officers were not allowing him to.

As § 87(2)(b) was taking photos, an officer approached him with his baton parallel to the ground, holding it at both ends. § 87(2)(b) told the officer he was press and held up his press pass, but the officer said he did not care and pushed § 87(2)(b) at his chest with the baton. § 87(2)(b) then began to step backward, and the officer pursued him, walking forward, continuously pushing him at his chest. After walking back "a few steps," § 87(2)(b) tripped over the sidewalk curb and fell onto his back. The officer then walked away as protestors helped § 87(2)(b) to his feet.

§ 87(2)(b) was not able to provide identifying information for the officer who pushed him beyond a general description and did not identify any witnesses or other means of evidence collection.

§ 87(2)(b) provided a photo of his NYC issued press pass (**Board Review 04**). The press pass has an expiration date of January 15, 2021 and lists him as an affiliate of ABC news.

Chief Monahan stated that between 6:00 p.m. and 6:30 p.m., he deemed civilian protestors congregating at the Barclay's Center pavilion in Brooklyn and the surrounding streets unlawful assembly (**Board Review 05**). For that reason, he instructed SRG supervisors to clear the pavilion and surrounding streets, and officers did so. That consisted of officers getting civilians off the streets, instructing them to leave or placing them under arrest for participating in an unlawful assembly. A Long-Range Acoustic Device (LRAD) broadcast multiple orders to disperse before SRG began clearing civilians from the plaza.

At 9:00 p.m., Chief Monahan still considered the crowd at the Barclays Center to be an unlawful assembly because civilians were still throwing objects at officers. For that reason, the dispersal instructions remained.

Sgt. Hockaday stated that on the day in question NYPD officers did use their batons to disburse civilians from the location (**Board Review 13**). He did not issue the instruction to remove civilians from the vicinity of Barclay's center. The instruction came to him via the chain of command.

On March 25, 2022, the investigation received video captured by Sgt. Hockaday's BWC on the incident date in question (**Board Review 12**). At four seconds, § 87(2)(b) is seen in the frame, and between seven seconds and 13 seconds, Sgt. Hockaday seemingly pushes him with his baton multiple times. At that time, § 87(2)(b) is standing on an island next to a NYC Transit Authority (NYCTA) building, which is in the middle of three roadways, Atlantic Avenue to the South, Flatbush Avenue to the East, and 4th Avenue to the West.

Just over a minute later, at 1:54 § 87(2)(b) reappears in the frame (**Board Review 12**) (**Board Review 15**). Between 1:55 and 1:58, the view of Sgt. Hockaday's BWC is obstructed by other officers, who may have possibly interacted with § 87(2)(b). At 1:59, he is positioned in the center of the frame, off left, and he trips over a curb and onto the sidewalk. It is unclear if he is pushed

back, resulting in him tripping or if he tripped as he was backing away from the officers on his own volition.

No other BWC videos aided in this portion of the investigation.

§ 87(2)(b), § 87(2)(g)

Allegation (C) Abuse of Authority: Officers threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that whenever he got close to document “whatever was happening” thorough the evening of May 29, 2020, officers threatened to arrest him if he did not move away (**Board Review 03**). He was not able to provide details regarding timing or officer identification.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 - Sgt. Hockaday has been a member of the service for 16 years and has been a subject in 11 other CCRB complaints involving 21 allegations, none of which were substantiated. Sgt. § 87(2)(g)
 - Chief Monahan has been a member of the service for 39 years and has been a subject in four prior CCRB complaints involving five allegations, none of which were substantiated. § 87(2)(g)
- § 87(2)(b). As of the date of this report, Chief Monahan is listed as a subject in 11 open CCRB complaints involving incidents related to the Black Lives Matter protests.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming injury, mental anguish, emotion distress and suffering, and more, and is seeking \$1,000,000 as redress (**Board Review 08**). There is no 50H hearing scheduled.
- § 87(2)(b)

Squad No.: 09

Investigator: _____
Signature Print Title & Name Date

Squad Leader: Wassim Abedrabbo IM W. Abedrabbo 09/12/2022

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date